



State of Ohio Environmental Protection Agency

STREET ADDRESS:

MAILING ADDRESS:

Lazarus Government Center
122 S. Front Street
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

P.O. Box 1049
Columbus, Ohio 43216-1049

Mr. Joe Costa
Penn-Ohio C&DD Landfill
7555 North Street
Negley, Ohio 44441

**Re: Total Waste Logistics - Penn-Ohio Facility, Columbiana County
Amendment to 2005 License Special Terms and Conditions**

Dear Mr. Costa:

On December 27, 2004, the Ohio Environmental Protection Agency (Ohio EPA) issued a 2005 Construction and Demolition Debris Facility License (License) to Total Waste Logistics, LLC for the Total Waste Logistics - Penn-Ohio Facility (Facility) located in Columbiana County. In accordance with Ohio Administrative Code (OAC) Rule 3745-37-03(D), the licensing authority of a construction and demolition debris (C&DD) facility may impose such special terms and conditions as are appropriate or necessary to ensure that the facility will comply with Ohio Revised Code (ORC) Chapter 3714 and OAC Chapter 3745-400, and to protect public health and safety and the environment. Pursuant to OAC Rule 3745-37-03(D), Ohio EPA imposed six "Special License Terms and Conditions" on the Facility in its License.

Condition Number 5.b. of the 2005 License states:

"Total Waste Logistics, LLC, shall, prior to submitting a 2006 Construction and Demolition Debris License Application to the licensing authority, revise the ground water monitoring system to meet the requirements of Ohio Administrative Code Rule 3745-400-10(A) by doing the following:

- b. Add a monitoring well in the northeast portion of the Facility such that the adequacy of the Facility's ground water monitoring system can be determined by doing the following:
 - i. Within 60 days of issuance of this license, Total Waste Logistics, LLC, shall propose an appropriate location for an additional well in the northeast portion of the Facility.
 - ii. Within 180 days of the issuance of this license, Total Waste Logistics, LLC, shall install an additional monitoring well in the northeast portion of the Facility."

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Joseph P. Koncelik, Director

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In a letter dated August 18, 2005, Eagon & Associates, Inc., on behalf of Total Waste Logistics, LLC, requested to remove Condition Number 5.b. from the License, citing OAC Rule 3745-400-10(A), which states, in part, "If the ground water monitoring well system is constructed in phases, each phase shall be described by a qualified ground water scientist in the license application submitted prior to placement of debris in the fill area relevant to that phase." In short, Total Waste Logistics, LLC requested that Condition 5.b. be removed from the License due to the fact that the phase to be monitored by the well required in Condition 5.b. will not be constructed during 2005.

Ohio EPA has completed a review of the August 18, 2005, letter and hereby approves Total Waste Logistics, LLC's request to remove Condition Number 5.b. from its 2005 License.

Nothing in this letter shall be construed to authorize any waiver from any requirements of any other applicable state solid waste laws or regulations except as specified herein. This letter shall not be interpreted to release Total Waste Logistics, LCC from responsibility under ORC Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

You are hereby notified that this action of the director of Ohio EPA is final and may be appealed to the Environmental Review Appeals Commission (Commission) pursuant to ORC Section 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the Commission within thirty (30) days after notice of the director's action. A copy of the appeal must be served on the director within three (3) days after filing with the Commission. An appeal may be filed with the Commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street
Room 222
Columbus, Ohio 43215

If you have any questions concerning this approval, please contact Jerry Weber of Ohio EPA's Northeast District Office at (330) 963-1274.

Sincerely,

Joseph P. Koncelik
Director

JPK/JW/MM/sw

cc: Jerry Weber, DSIWM-NEDO
Murat Tukul, DSIWM-NEDO
Scott Hester, DSIWM-CO